

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Minnesota Life Insurance Company et al,

Civil No. 12-2671 (ADM/LIB)

Plaintiffs,

v.

**ORDER**

Credit Suisse First Boston Mortgage  
Securities Corporation et al,

Defendants.

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This matter came before the undersigned United States Magistrate Judge on a routine supervision of the cases that pend before the Court.

On October 25, 2012, Defendants filed a Motion for Extension of Time to File Answer or Otherwise Respond to Complaint. (See Docket No. 4). Rule 7.1 of the United States District Court for the District of Minnesota Local Rules provides that for nondispositive motions, the responding party must file and serve a memorandum of law and any affidavits and exhibits “[w]ithin 7 days after filing of a nondispositive motion and its supporting documents.” D. Minn. LR 7.1(b)(2)(A). Under Rule 7.1(b)(2)(A) Plaintiffs’ response was due November 1, 2012. They have not yet filed a response to Defendants’ motion.<sup>1</sup>

If a party fails to comply with the requirements of Rule 7.1, the Court may: 1) cancel the hearing and consider the matter submitted without oral argument; 2) reschedule the hearing; 3)

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<sup>1</sup> The Court notes that today (November 7, 2012) Plaintiffs’ counsel filed an affidavit advising the Court that a motion to remand has been scheduled with the Honorable Ann D. Montgomery, that the parties had entered into a stipulation (prior to the removal of this case) for a deadline of December 3, 2012 for Defendants to answer or otherwise response to the state court complaint, and that Plaintiffs refused to sign a draft stipulation to extend the deadline for Defendants to respond in this Court because Plaintiffs’ counsel “did not want their signature on the [stipulation] to be construed in any way as an affirmative act which might adversely impact Plaintiffs’ right to seek remand of this action.” This affidavit, however, does not serve to advise the Court of whether Plaintiffs oppose the motion or whether they agree that Defendants’ motion should be granted. Thus, the Court considers it nonresponsive.

hold a hearing, but refuse to permit oral argument by the party who failed to file; 4) award reasonable attorney's fees to the opposing party; 5) take some combination of these actions; or 6) take any other action that the Court considers appropriate. D. Minn. LR 7.1(g).

Exercising its discretion, the Court will not allow any additional documents to be filed in response to Defendants' motion. The hearing on Defendants' motion scheduled for November 14, 2012 is hereby cancelled and will be removed from the Court's calendar. The Court will consider the motion under advisement as of today's date and on the present record before the Court.

BY THE COURT:

Dated: November 7, 2012

s/Leo I. Brisbois  
Leo I. Brisbois  
U.S. MAGISTRATE JUDGE